IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4991 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MUKESHKUMAR PANKAJBHAI JAHA

Versus

STATE OF GUJARAT

Appearance:

MR YU MALIK for Petitioners

Mr K G Sheth, APP for Respondent No. 1

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 06/09/2000

ORAL JUDGEMENT

Rule.

Heard Mr Y U Malik, learned Advocate for the petitioners and Mr K G Sheth, learned APP for the State. It is the case of the petitioners that initially an enquiry was conducted and final report was submitted by the Police Inquiry Officer to the higher authority in respect of an accident which took place in which the

deceased Ratna died. According to the arguments advanced by the petitioner, the report submitted by the Police Inquiry Officer to the higher authority shows that no offence was committed by the petitioners. It is his arguments that the said papers are relevant and, therefore, they are required to be called for, as the learned Addl.Sessions Judge conducting the said matter dismissed the said application of the petitioners for production of those materials on record through the police Inquiry Officer in Inquiry Case No.31/95. After all these would be previous statements of different witnesses. The evidential value of these statements would be determined by the learned trial Judge by appreciating the evidence on record. But at the same time, it would not be just and proper to prevent the petitioner from bringing those materials on record. Therefore, the police Inquiry Officer, Mr Rathod, who is in witness box and whose evidence is part-recorded, will be required to be directed to attend the Court with necessary police papers of the aforesaid inquiry so as to enable the present petitioners to cross-examine the said witnesses with respect to the statements recorded by him in the aforesaid Inquiry Case No.31/95.

2. In the aforesaid view of the matter, the present petition is allowed. The police Inquiry Officer, Mr Rathod shall remain present before the trial court on the next adjourned date along with the papers of Inquiry Case No.31/95 and the petitioners will be at liberty to cross examine the said witnesse on the strength of the statements recorded by him in the aforesaid matter.

Rule is made absolute accordingly. D.S. permitted.

6.9.2000 [D P Buch, J.]
msp